

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**

ANTHONY B. PUE,

Plaintiff,

v.

NEW JERSEY TRANSIT CORP.,

Defendant.

Civil Action No. 21-13557 (FLW)

**ORDER**

**THIS MATTER** having been opened to the Court by *pro se* plaintiff Anthony B. Pue (“Plaintiff”), on a motion for default judgment and motion for summary judgment; it appearing that Paul T. Szypiotko, Esq., counsel for Defendant New Jersey Transit Corporation (“Defendant”), opposes Plaintiff’s motions, and cross-moves to vacate default and to dismiss the Complaint; the Court having considered the parties’ submissions in connection with the motions pursuant to Fed. R. Civ. P. 78, for the reasons set forth in the Opinion filed on this date, and for good cause shown,

**IT IS** on this 1<sup>st</sup> day of August, 2022,

**ORDERED** that Defendant’s motion to vacate default is **GRANTED**; and the entry of default is **VACATED**; and it is further

**ORDERED** that Plaintiff’s motion for default judgment is **DENIED**; and it is further

**ORDERED** that Defendant’s motion to dismiss is **GRANTED**; it is further

**ORDERED** that the Court declines to exercise supplemental jurisdiction over Plaintiff’s state law contract claim, and thus, pursuant to 28 U.S.C. § 1367(d), Plaintiff may bring such a claim in state court within 30 days from the date of this Order; it is further

**ORDERED** that Plaintiff's motion for summary judgment is **DENIED**.

/s/ Freda L. Wolfson

Freda L. Wolfson

U.S. Chief District Judge